

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEVE W. MITCHELL, AND ROBIN L. :
MITCHELL, Individually and as Parents :
and Natural Guardians of :
BRIA HASENAUER, a/k/a BRIA :
MITCHELL, a minor, and :
STORM HASENAUER a/k/a STORM :
MITCHELL, a minor, :
Plaintiffs :

vs. : CIVIL NO. 3:CV-04-2240

WILLIAM J. LUCKENBILL, JR., :
DAVID GUENTHER, :
JOHN DOE, Commissioner of the :
Pennsylvania State Police, :
Defendants :

O R D E R

I. The above-captioned civil case has been placed on the May 2011 trial list for trial in Harrisburg, Pennsylvania.

II. The jury will be drawn in Court Room No. 1, Ninth Floor, Federal Building, Harrisburg, Pennsylvania, beginning at 9:30 a.m. on Monday, May 9, 2011. Pending criminal trials, if any, will be tried first. The trial will begin immediately following jury selection (assuming no criminal trials).

III. The pre-trial conference will be held on Tuesday, May 3, 2011, in my chambers, Ninth Floor, Federal Building, Third and Walnut Streets, Harrisburg, Pennsylvania:

10:30 a.m.

No. 3:CV-04-2240

Lead counsel for each party shall attend the conference and have full authority to effectuate a complete settlement pursuant to Local Rule LR 16.2.

IV. Counsel who will try the case are directed to confer with all other trial counsel in the case at least five (5) days prior to the date of the pre-trial conference. Local Rule LR 16.3. Subsequent to this meeting of counsel and at least two (2) days prior to the pre-trial conference, counsel shall submit a pre-trial memorandum in the form set forth in Appendix B of our Local Rules. Local Rule LR 16.6.

V. At the conference of counsel, pursuant to Local Rule LR 16.3, all exhibits that any party intends to introduce at trial (whether in his case in chief or in rebuttal) shall be identified and numbered on the attached form. Only exhibits so listed may be offered in evidence at the trial, absent compelling reasons to the contrary. Local Rule LR 16.3.

VI. Trial briefs shall be submitted prior to trial and shall conform to Local Rule LR 39.7. Motions in limine, if any, shall be filed at least ten (10) days prior to jury selection, and any response shall be filed three (3) days before jury selection. All requests for jury instructions shall be submitted before trial commences and shall conform to Local Rule LR 51.1. Requests for juror voir dire shall be submitted at least three days prior to jury selection, limited to eight in number.

VII. Whenever any civil action scheduled for jury trial is settled or otherwise disposed of in advance of the actual trial, jurors' costs, including mileage and per diem, may be assessed against the parties as directed by the court, unless

the Clerk's office at the place in which jury selection is to be held is notified of the settlement in sufficient time to permit the Clerk to advise the jurors that their attendance will not be necessary. Notice to the Clerk's office before 2:00 p.m. on the last business day preceding the day on which the jury is to be selected shall be adequate for this purpose.

VIII. Failure of counsel to abide by this order or our Local Rule LR 16 may result in imposition of the sanctions listed in Local Rule LR 83.3.

IX. The objective of this order is to provide all parties with timely resolution of their claims and to facilitate as effectively as possible an appropriate disposition of the issues at trial. The cooperation of counsel is essential to this purpose.

/s/William W. Caldwell
William W. Caldwell
United States District Judge

Date: February 28, 2011

EXHIBIT LIST

JUDGE _____

CASE NUMBER _____

[illegible]

/s/William W. Caldwell
William W. Caldwell
United States District Judge